

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

EUGENE LOUIS STACY,

Case No. 6:16-cv-00029-JE
ORDER

Petitioner,

vs.

JEFF PREMO,

Respondent.

AIKEN, District Judge:

Magistrate Judge John Jelderks has filed his Findings and Recommendation ("F&R") (doc. 46) recommending that the Court deny the Amended Petition for Writ of Habeas Corpus. (doc. 28) Magistrate Judge Jelderks further recommended that this action be dismissed with prejudice and no Certificate of Appealability be issued. This case is now before me. *See* 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

When either party objects to any portion of a magistrate judge's F&R, the district court must make a *de novo* determination of that portion of the magistrate judge's report. *See* 28 U.S.C. § 636(b)(1); *McDonnell Douglas Corp. v. Commodore Business Machines, Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981), *cert denied*, 455 U.S. 920 (1982).

Petitioner has filed timely objections (doc. 48) and respondent has filed a timely response (doc. 49) Having reviewed the objections and the file of this case, the Court finds no error in Magistrate Judge Jelderks' order.

Thus, the Court adopts Magistrate Judge Jelderks' F&R (doc. 46) in its entirety. Accordingly, this action is dismissed with prejudice. The Court declines to issue a Certificate of Appealability on the basis that petitioner has not made a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

Dated this 22nd day of March, 2019.

A handwritten signature in black ink, appearing to read "Ann Aiken", is written over a horizontal line.

Ann Aiken
United States District Judge